



**Federal Aviation Administration**

**14 CFR Parts 13 and 406**

**Office of the Secretary**

**14 CFR Part 383**

**Great Lakes St. Lawrence Seaway Development Corporation**

**33 CFR Part 401**

**Maritime Administration**

**46 CFR Parts 221, 307, 340, and 356**

**Pipeline and Hazardous Materials Safety Administration**

**49 CFR Parts 107, 171, and 190**

**Federal Railroad Administration**

**49 CFR Parts 209, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, and 272**

**Federal Motor Carrier Safety Administration**

**49 CFR Part 386**

**National Highway Traffic Safety Administration**

**49 CFR Part 578**

**RIN 2105-AE99**

**Civil Penalty Amounts**

**AGENCY:** Department of Transportation (DOT or the Department).

**ACTION:** Final rule.

**SUMMARY:** In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, this final rule provides the 2021 inflation adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. In

addition, this rule amends the Federal Aviation Administration regulations to set forth the new civil penalties established in Division V, Title I of the Consolidated Appropriations Act, 2021. The rule also corrects a rounding error in an FAA penalty.

**DATES:** Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Kohl, Attorney-Advisor, Office of the General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave. S.E., Washington, D.C., 20590, [elizabeth.kohl@dot.gov](mailto:elizabeth.kohl@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

This rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101-410, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114-74, 129 Stat. 599, codified at 28 U.S.C. 2461 note. The FCPIAA and the 2015 Act require Federal agencies to adjust minimum and maximum civil penalty amounts for inflation to preserve their deterrent impact. The 2015 Act amended the formula and frequency of inflation adjustments. It required an initial catch-up adjustment in the form of an interim final rule, followed by annual adjustments of civil penalty amounts using a statutorily mandated formula. Section 4(b)(2) of the 2015 Act specifically directs that the annual adjustment be accomplished through final rule without notice and comment. This rule is effective immediately.

This rule also implements the authority to assess civil penalties for violations of requirements concerning certificates issued by the FAA and for interference with the duties of organization designation authorization unit members. These civil penalties were

established in the Consolidated Appropriations Act, 2021, P.L. 116-260 (December 27, 2020), and are codified at 49 USC 44704 and 44742, respectively.

The Department's authorities over the specific civil penalty regulations being amended by this rule are provided in the preamble discussion below.

## **I. Background**

On November 2, 2015, the President signed into law the 2015 Act, which amended the FCPIAA, to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act requires Federal agencies to: (1) adjust the level of civil monetary penalties with an initial “catch-up” adjustment through an interim final rule (IFR); and (2) make subsequent annual adjustments for inflation.

The 2015 Act directed the Office of Management and Budget (OMB) to issue guidance on implementing the required annual inflation adjustment no later than December 15 of each year.<sup>1</sup> On December 23, 2020, OMB released this required guidance, in OMB Memorandum M-21-10, which provides instructions on how to calculate the 2021 annual adjustment. To derive the 2021 adjustment, the Department must multiply the maximum or minimum penalty amount by the percent change between the October 2020 Consumer Price Index for All Urban Consumers (CPI-U) and the October 2019 CPI-U. In this case, as explained in OMB Memorandum M-21-10, the percent change between the October 2020 CPI-U and the October 2019 CPI-U is 1.01182.

## **II. Issuance of a Final Rule**

This final rule is being published without notice and comment and with an immediate effective date.

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<sup>1</sup> 28 U.S.C. 2461 note.

The 2015 Act provides clear direction for how to adjust the civil penalties, and clearly states at section 4(b)(2) that this adjustment shall be made “notwithstanding section 553 of title 5, United States Code.” By operation of the 2015 Act, DOT must publish an annual adjustment by January 15 of every year, and the new levels take effect upon publication of the rule. In addition, as noted previously in the discussion of the authority for this rulemaking, Division V, Title I of the Consolidated Appropriations Act, 2021 provides explicit authority to assess civil penalties for violations of 49 U.S.C. 44704 and 44742. The rule also corrects a rounding error in an FAA penalty. DOT does not have discretion with regard to effectuating the updates resulting from the changes to its authority, and the mathematical correction simply fixes a *de minimis* error of \$3 for the maximum penalty.

Accordingly, DOT is publishing this final rule without prior notice and comment, and with an immediate effective date.

### **III. Discussion of the Final Rule**

In 2016, OST and DOT’s operating administrations with civil monetary penalties promulgated the “catch up” IFR required by the 2015 Act. All DOT operating administrations have already finalized their “catch up” IFRs and this rule makes the annual inflation adjustment required by the 2015 Act.

The Department emphasizes that this rule adjusts penalties prospectively, and therefore the penalty adjustments made by this rule will apply only to violations that take place after this rule becomes effective. This rule also does not change previously assessed or enforced penalties that DOT is actively collecting or has collected.

#### *A. OST 2021 Adjustments*

OST’s 2021 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty X 1.01182)
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General civil penalty for violations of certain aviation economic regulations and statutes	49 U.S.C. 46301(a)(1)	\$34,777	\$35,188
General civil penalty for violations of certain aviation economic regulations and statutes involving an individual or small business concern	49 U.S.C. 46301(a)(1)	\$1,530	\$1,548
Civil penalties for individuals or small businesses for violations of most provisions of Chapter 401 of Title 49, including the anti-discrimination provisions of sections 40127 and 41705 and rules and orders issued pursuant to these provisions	49 U.S.C. 46301(a)(5)(A)	\$13,910	\$14,074
Civil penalties for individuals or small businesses for violations of 49 U.S.C. 41719 and rules and orders issued pursuant to that provision	49 U.S.C. 46301(a)(5)(C)	\$6,955	\$7,037
Civil penalties for individuals or small businesses for violations of 49 U.S.C. 41712 or consumer protection rules and orders issued pursuant to that provision	49 U.S.C. 46301(a)(5)(D)	\$3,478	\$3,519

*B. FAA 2021 Adjustments*

On December 27, 2020, a new statute amended 49 U.S.C. 44704 to add new civil penalty provisions. Subsection (d) imposes a penalty for a holder of a production certificate who knowingly presents a nonconforming aircraft for issuance of an initial airworthiness certificate.<sup>2</sup> Subsection (e) allows for the assessment of a civil penalty against an applicant for or holder of a type certificate for knowing violations of § 44704(e)(1)-(3).<sup>3</sup> The maximum penalty amount for both of these violations is \$1,000,000. In accordance with OMB Memorandum M-16-06, these penalty levels will not be adjusted because they have been in effect for less than a year.

The new statute also authorized civil penalties against individuals acting on behalf of an applicant for or holder of a type certificate for knowingly making a false statement with respect to any of the matters described in § 44704(e)(1)(A)-(E).<sup>4</sup> Here, however, the statute used the preexisting civil penalty authority in 49 U.S.C. § 46301 rather than creating a new maximum civil penalty. The adjustment of the penalties in § 46301 thus covers this amendment to § 44704.

Moreover, the new law authorized civil penalties for any supervisor of an organization designation authorization (“ODA”) holder who interferes with any ODA unit member’s performance of authorized functions.<sup>5</sup> This new law imposes the civil penalty under the authority of 49 U.S.C. 46301(a)(1), so the applicable maximum civil penalty is already included in the FAA’s adjustments in this final rule.

Other 2021 adjustments are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.01182)
Violation of hazardous materials transportation law	49 U.S.C. 5123(a)(1)	\$83,439	\$84,425
Violation of hazardous materials transportation law resulting in death, serious illness, severe	49 U.S.C. 5123(a)(2)	\$194,691	\$196,992

<sup>2</sup> Pub. L. 116-260, 134 Stat. ----, Div. V, Title I, Section 120 (Dec. 27, 2020).

<sup>3</sup> Pub. L. 116-260, 134 Stat. ----, Div. V, Title I, Section 105(a).

<sup>4</sup> Pub. L. 116-260, 134 Stat. ----, Div. V, Title I, Section 105(a).

<sup>5</sup> Pub. L. 116-260, 134 Stat. ----, Div. V, Title I, Section 107(a) (to be codified at 49 U.S.C. 44742).

injury, or substantial property destruction			
Minimum penalty for violation of hazardous materials transportation law relating to training	49 U.S.C. 5123(a)(3)	\$502	\$508
Maximum penalty for violation of hazardous materials transportation law relating to training	49 U.S.C. 5123(a)(3)	\$83,439	\$84,425
Operation of an unmanned aircraft or unmanned aircraft system equipped or armed with a dangerous weapon	49 U.S.C. 44802 note	\$25,441	\$25,742
Violation by a person other than an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B)	49 U.S.C. 46301(a)(1)	\$34,777	\$35,188
Violation by an airman serving as an airman under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered by 46301(a)(5)(A) or (B)) <sup>6</sup>	49 U.S.C. 46301(a)(1)	\$1,530	\$1,548
Violation by an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered in 49 U.S.C. 46301(a)(5))	49 U.S.C. 46301(a)(1)	\$1,530	\$1,548
Violation by an individual or small business concern (except an airman serving as an airman) under 49 U.S.C. 46301(a)(5)(A)(i) or (ii)	49 U.S.C. 46301(a)(5)(A)	\$13,910	\$14,074
Violation by an individual or small	49 U.S.C. 46301(a)(5)(B)(i)	\$13,910	\$14,074

<sup>6</sup> Note that this entry and the entry immediately below correct a rounding error from DOT's 2019 civil penalties adjustment rule. The 2020 penalty amounts are updated to \$1,530 from the \$1,527 specified in the 2020 adjustment.

business concern related to the transportation of hazardous materials			
Violation by an individual or small business concern related to the registration or recordation under 49 U.S.C. chapter 441, of an aircraft not used to provide air transportation	49 U.S.C. 46301(a)(5)(B)(ii)	\$13,910	\$14,074
Violation by an individual or small business concern of 49 U.S.C. 44718(d), relating to limitation on construction or establishment of landfills	49 U.S.C. 46301(a)(5)(B)(iii)	\$13,910	\$14,074
Violation by an individual or small business concern of 49 U.S.C. 44725, relating to the safe disposal of life-limited aircraft parts	49 U.S.C. 46301(a)(5)(B)(iv)	\$13,910	\$14,074
Individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft	49 U.S.C. 46301 note	\$26,614	\$26,929
Tampering with a smoke alarm device	49 U.S.C. 46301(b)	\$4,465	\$4,518
Knowingly providing false information about alleged violation involving the special aircraft jurisdiction of the United States	49 U.S.C. 46302	\$24,252	\$24,539
Interference with cabin or flight crew	49 U.S.C. 46318	\$36,516	\$36,948
Permanent closure of an airport without	49 U.S.C. 46319	\$13,910	\$14,074



providing sufficient notice			
Operating an unmanned aircraft and in so doing knowingly or recklessly interfering with a wildfire suppression, law enforcement, or emergency response effort	49 U.S.C. 46320	\$21,292	\$21,544
Violation of 51 U.S.C. 50901-50923, a regulation issued under these statutes, or any term or condition of a license or permit issued or transferred under these statutes.	51 U.S.C. 50917(c)	\$244,391	\$247,280

In addition to the civil penalties listed in the above charts, FAA regulations also provide for maximum civil penalties for violations of 49 U.S.C. 47528-47530, relating to the prohibition of operating certain aircraft not complying with stage 3 noise levels. Those civil penalties are identical to the civil penalties imposed under 49 U.S.C. 46301(a)(1) and (a)(5), which are detailed in the above chart, and therefore, the noise-level civil penalties will be adjusted in the same manner as the § 46301(a)(1) and (a)(5) civil penalties.

### *C. NHTSA 2021 Adjustments*

NHTSA's 2021 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.01182)
Maximum penalty amount for each violation of: 49 U.S.C. 30112, 30115, 30117- 30122, 30123(a), 30125(c), 30127, 30141-30147,	49 U.S.C. 30165(a)(1), 30165(a)(3)	\$22,723	\$22,992

30166 or 31137, or a regulation prescribed under any of these sections			
Maximum penalty amount for a related series of violations of: 49 U.S.C. 30112, 30115, 30117-30122, 30123(a), 30125(c), 30127, 30141-30147, 30166 or 31137, or a regulation prescribed under any of these sections	49 U.S.C. 30165(a)(1), 30165(a)(3)	\$113,611,635	\$114,954,525
Maximum penalty per school bus related violation of 49 U.S.C. 30112(a)(1) or 30112(a)(2)	49 U.S.C. 30165(a)(2)(A)	\$12,919	\$13,072
Maximum penalty amount for a series of school bus related violations of 49 U.S.C. 30112(a)(1) or 30112(a)(2)	49 U.S.C. 30165(a)(2)(B)	\$19,378,412	\$19,607,465
Maximum penalty per violation for filing false or misleading reports	49 U.S.C. 30165(a)(4)	\$5,562	\$5,628
Maximum penalty amount for a series of violations related to filing false or misleading reports	49 U.S.C. 30165(a)(4)	\$1,112,518	\$1,125,668
Maximum penalty amount for each violation of the reporting requirements related to maintaining the National Motor Vehicle Title Information System	49 U.S.C. 30505	\$1,814	\$1,835

Maximum penalty amount for each violation of a bumper standard under 49 U.S.C. 32506	49 U.S.C. 32507(a)	\$2,976	\$3,011
Maximum penalty amount for a series of violations of a bumper standard under 49 U.S.C. 32506	49 U.S.C. 32507(a)	\$3,313,763	\$3,352,932
Maximum penalty amount for each violation of 49 U.S.C. 32308(a) related to providing information on crashworthiness and damage susceptibility	49 U.S.C. 32308(b)	\$2,976	\$3,011
Maximum penalty amount for a series of violations of 49 U.S.C. 32308(a) related to providing information on crashworthiness and damage susceptibility	49 U.S.C. 32308(b)	\$1,623,024	\$1,642,208
Maximum penalty for each violation related to the tire fuel efficiency information program	49 U.S.C. 32308(c)	\$61,586	\$62,314
Maximum civil penalty for willfully failing to affix, or failing to maintain, the label required in 49 U.S.C. 32304	49 U.S.C. 32309	\$1,814	\$1,835
Maximum penalty amount per violation related to odometer tampering and disclosure	49 U.S.C. 32709	\$11,125	\$11,256
Maximum penalty amount for a related series of violations related to odometer	49 U.S.C. 32709	\$1,112,518	\$1,125,668

tampering and disclosure			
Maximum penalty amount per violation related to odometer tampering and disclosure with intent to defraud	49 U.S.C. 32710	\$11,125	\$11,256
Maximum penalty amount for each violation of 49 U.S.C. 33114(a)(1)–(4)	49 U.S.C. 33115(a)	\$2,444	\$2,473
Maximum penalty amount for a related series of violations of 49 U.S.C. 33114(a)(1)–(4)	49 U.S.C. 33115(a)	\$610,979	\$618,201
Maximum civil penalty for violations of 49 U.S.C. 33114(a)(5)	49 U.S.C. 33115(b)	\$181,484	\$183,629
Maximum civil penalty for violations under 49 U.S.C. 32911(a) related to automobile fuel economy	49 U.S.C 32912(a)	\$42,530	\$43,280
Maximum civil penalty for a violation under the medium- and heavy-duty vehicle fuel efficiency program	49 U.S.C. 32902	\$41,882	\$42,621

*D. FMCSA 2021 Adjustments*

FMCSA's civil penalties affected by this rule are all located in appendices A and B to 49 CFR part 386. The 2021 adjustments to these civil penalties are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.01182)
Appendix A II Subpoena	49 U.S.C. 525	\$1,112	\$1,125
Appendix A II Subpoena	49 U.S.C. 525	\$11,125	\$11,256
Appendix A IV (a) Out-of-service order (operation of CMV by driver)	49 U.S.C. 521(b)(7)	\$1,928	\$1,951
Appendix A IV (b) Out-of-service order (requiring or permitting operation of CMV by driver)	49 U.S.C. 521(b)(7))	\$19,277	\$19,505
Appendix A IV (c) Out-of-service order (operation by driver of CMV or intermodal equipment that was placed out of service)	49 U.S.C. 521(b)(7)	\$1,928	\$1,951
Appendix A IV (d) Out-of-service order (requiring or permitting operation of CMV or intermodal equipment that was placed out of service)	49 U.S.C. 521(b)(7)	\$19,277	\$19,505
Appendix A IV (e) Out-of-service order (failure to return written certification of correction)	49 U.S.C. 521(b)(2)(B)	\$964	\$975
Appendix A IV (g) Out-of-service order (failure to cease operations as ordered)	49 U.S.C. 521(b)(2)(F)	\$27,813	\$28,142
Appendix A IV (h) Out-of-service order (operating in violation of order)	49 U.S.C. 521(b)(7)	\$24,441	\$24,730

Appendix A IV (i) Out-of-service order (conducting operations during suspension or revocation for failure to pay penalties)	49 U.S.C. 521(b)(2)(A) and (b)(7))	\$15,691	\$15,876
Appendix A IV (j) (conducting operations during suspension or revocation)	49 U.S.C. 521(b)(7)	\$24,441	\$24,730
Appendix B (a)(1) Recordkeeping--maximum penalty per day	49 U.S.C. 521(b)(2)(B)(i)	\$1,292	\$1,302
Appendix B (a)(1) Recordkeeping--maximum total penalty	49 U.S.C. 521(b)(2)(B)(i)	\$12,919	\$13,072
Appendix B (a)(2) Knowing falsification of records	49 U.S.C. 521(b)(2)(B)(ii)	\$12,919	\$13,072
Appendix B (a)(3) Non-recordkeeping violations	49 U.S.C. 521(b)(2)(A)	\$15,691	\$15,876
Appendix B (a)(4) Non-recordkeeping violations by drivers	49 U.S.C. 521(b)(2)(A)	\$3,923	\$3,969
Appendix B (a)(5) Violation of 49 CFR 392.5 (first conviction)	49 U.S.C. 31310(i)(2)(A)	\$3,230	\$3,268
Appendix B (a)(5) Violation of 49 CFR 392.5 (second or subsequent conviction)	49 U.S.C. 31310(i)(2)(A)	\$6,460	\$6,536
Appendix B (b) Commercial driver's license (CDL) violations	49 U.S.C. 521(b)(2)(C)	\$5,833	\$5,902
Appendix B (b)(1): Special penalties pertaining to violation of out-of-service orders (first conviction)	49 U.S.C. 31310(i)(2)(A)	\$3,230	\$3,268
Appendix B (b)(1) Special penalties pertaining to violation of out-of-service orders (second or subsequent conviction)	49 U.S.C. 31310(i)(2)(A)	\$6,460	\$6,536

Appendix B (b)(2) Employer violations pertaining to knowingly allowing, authorizing employee violations of out-of-service order (minimum penalty)	49 U.S.C. 521(b)(2)(C)	\$5,833	\$5,902
Appendix B (b)(2) Employer violations pertaining to knowingly allowing, authorizing employee violations of out-of-service order (maximum penalty)	49 U.S.C. 31310(i)(2)(C)	\$32,297	\$32,679
Appendix B (b)(3) Special penalties pertaining to railroad- highway grade crossing violations	49 U.S.C. 31310(j)(2)(B)	\$16,743	\$16,941
Appendix B (d) Financial responsibility violations	49 U.S.C. 31138(d)(1), 31139(g)(1)	\$17,213	\$17,416
Appendix B (e)(1) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (transportation or shipment of hazardous materials)	49 U.S.C. 5123(a)(1)	\$83,439	\$84,425
Appendix B (e)(2) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (training)--minimum penalty	49 U.S.C. 5123(a)(3)	\$502	\$508
Appendix B (e)(2): Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (training)--maximum penalty	49 U.S.C. 5123(a)(1)	\$83,439	\$84,425
Appendix B (e)(3) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (packaging or container)	49 U.S.C. 5123(a)(1)	\$83,439	\$84,425

Appendix B (e)(4): Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (compliance with FMCSRs)	49 U.S.C. 5123(a)(1)	\$83,439	\$84,425
Appendix B (e)(5) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (death, serious illness, severe injury to persons; destruction of property)	49 U.S.C. 5123(a)(2)	\$194,691	\$196,992
Appendix B (f)(1) Operating after being declared unfit by assignment of a final “unsatisfactory” safety rating (generally)	49 U.S.C. 521(b)(2)(F)	\$27,813	\$28,142
Appendix B (f)(2) Operating after being declared unfit by assignment of a final “unsatisfactory” safety rating (hazardous materials)-maximum penalty	49 U.S.C. 5123(a)(1)	\$83,439	\$84,425
Appendix B (f)(2): Operating after being declared unfit by assignment of a final “unsatisfactory” safety rating (hazardous materials)-maximum penalty if death, serious illness, severe injury to persons; destruction of property	49 U.S.C. 5123(a)(2)	\$194,691	\$196,992
Appendix B (g)(1): Violations of the commercial regulations (CR) (property carriers)	49 U.S.C. 14901(a)	\$11,125	\$11,256
Appendix B (g)(2) Violations of the CRs (brokers)	49 U.S.C. 14916(c)	\$11,125	\$11,256
Appendix B (g)(3) Violations of the CRs (passenger carriers)	49 U.S.C. 14901(a)	\$27,813	\$28,142



Appendix B (g)(4) Violations of the CRs (foreign motor carriers, foreign motor private carriers)	49 U.S.C. 14901(a)	\$11,125	\$11,256
Appendix B (g)(5) Violations of the operating authority requirement (foreign motor carriers, foreign motor private carriers)- maximum penalty for intentional violation <sup>7</sup>	49 U.S.C. 14901 note	\$15,299	\$15,480
Appendix B (g)(5) Violations of the operating authority requirement (foreign motor carriers, foreign motor private carriers)- maximum penalty for a pattern of intentional violations	49 U.S.C. 14901 note	\$38,250	\$38,702
Appendix B (g)(6) Violations of the CRs (motor carrier or broker for transportation of hazardous wastes)- minimum penalty	49 U.S.C. 14901(b)	\$22,251	\$22,514
Appendix B (g)(6) Violations of the CRs (motor carrier or broker for transportation of hazardous wastes)- maximum penalty	49 U.S.C. 14901(b)	\$44,501	\$45,027
Appendix B (g)(7): Violations of the CRs (HHG carrier or freight forwarder, or their receiver or trustee)	149 U.S.C. 14901(d)(1)	\$1,673	\$1,693
Appendix B (g)(8) Violation of the CRs (weight of HHG shipment, charging for services)-minimum penalty for first violation	49 U.S.C. 14901(e)	\$3,349	\$3,389

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<sup>7</sup> Section (g)(5) was revised in the 2020 adjustment final rule to reflect the termination of the North American Free Trade Agreement and the adoption of the United States Mexico Canada Agreement (USMCA). See 86 FR 1745, 1748, n.6 (Jan. 11, 2021).

Appendix B (g)(8) Violation of the CRs (weight of HHG shipment, charging for services) subsequent violation	49 U.S.C. 14901(e)	\$8,372	\$8,471
Appendix B (g)(10) Tariff violations	49 U.S.C. 13702, 14903	\$167,433	\$169,412
Appendix B (g)(11) Additional tariff violations (rebates or concessions)--first violation	49 U.S.C. 14904(a)	\$334	\$338
Appendix B (g)(11) Additional tariff violations (rebates or concessions)-- subsequent violations	49 U.S.C. 14904(a)	\$418	\$423
Appendix B (g)(12): Tariff violations (freight forwarders)--maximum penalty for first violation	49 U.S.C. 14904(b)(1)	\$838	\$848
Appendix B (g)(12): Tariff violations (freight forwarders)--maximum penalty for subsequent violations	49 U.S.C. 14904(b)(1)	\$3,349	\$3,389
Appendix B (g)(13): service from freight forwarder at less than rate in effect--maximum penalty for first violation	49 U.S.C. 14904(b)(2)	\$838	\$848
Appendix B (g)(13): service from freight forwarder at less than rate in effect--maximum penalty for subsequent violation(s)	49 U.S.C. 14904(b)(2)	\$3,349	\$3,389
Appendix B (g)(14): Violations related to loading and unloading motor vehicles	49 U.S.C. 14905	\$16,743	\$16,941
Appendix B (g)(16): Reporting and recordkeeping under 49 U.S.C. subtitle IV, part B (except 13901 and 13902(c))--minimum penalty	49 U.S.C. 14901	\$1,112	\$1,125

Appendix B (g)(16): Reporting and recordkeeping under 49 U.S.C. subtitle IV, part B--maximum penalty	49 U.S.C. 14907	\$8,372	\$8,471
Appendix B (g)(17): Unauthorized disclosure of information	49 U.S.C. 14908	\$3,349	\$3,389
Appendix B (g)(18): Violation of 49 U.S.C. subtitle IV, part B, or condition of registration	49 U.S.C. 14910	\$838	\$848
Appendix B (g)(21)(i): Knowingly and willfully fails to deliver or unload HHG at destination	49 U.S.C. 14915	\$16,743	\$16,941
Appendix B (g)(22): HHG broker estimate before entering into an agreement with a motor carrier	49 U.S.C. 14901(d)(2)	\$12,919	\$13,072
Appendix B (g)(23): HHG transportation or broker services-- registration requirement	49 U.S.C. 14901 (d)(3)	\$32,297	\$32,679
Appendix B (h): Copying of records and access to equipment, lands, and buildings-- maximum penalty per day	49 U.S.C. 521(b)(2)(E)	\$1,292	\$1,307
Appendix B (h): Copying of records and access to equipment, lands, and buildings-- maximum total penalty	49 U.S.C. 521(b)(2)(E)	\$12,919	\$13,072
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of ch. 311 (except 31138 and 31139), 31302-31304, 31305(b), 31310(g)(1)(A), or 31502--minimum penalty for first violation	49 U.S.C. 524	\$2,226	\$2,252

Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of ch. 311 (except 31138 and 31139), 31302-31304, 31305(b), 31310(g)(1)(A), or 31502--maximum penalty for first violation	49 U.S.C. 524	\$5,562	\$5,628
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of ch. 311 (except 31138 and 31139), 31302-31304, 31305(b), 31310(g)(1)(A), or 31502--minimum penalty for subsequent violation(s)	49 U.S.C. 524	\$2,780	\$2,813
Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of ch. 311 (except 31138 and 31139), 31302-31304, 31305(b), 31310(g)(1)(A), or 31502--maximum penalty for subsequent violation(s)	49 U.S.C. 524	\$8,344	\$8,433
Appendix B (i)(2): Evasion of regulations under 49 U.S.C. subtitle IV, part B--minimum penalty for first violation	49 U.S.C. 14906	\$2,226	\$2,252
Appendix B (i)(2): Evasion of regulations under 49 U.S.C. subtitle IV, part B--minimum penalty for subsequent violation(s)	49 U.S.C. 14906	\$5,562	\$5,628

*E. FRA 2021 Adjustments*

FRA's 2021 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.01182)
Minimum rail safety penalty	49 U.S.C. ch. 213	\$908	\$919
Ordinary maximum rail safety penalty	49 U.S.C. ch. 213	\$29,707	\$30,058
Maximum penalty for an aggravated rail safety violation	49 U.S.C. ch. 213	\$118,826	\$120,231
Minimum penalty for hazardous materials training violations	49 U.S.C. 5123	\$502	\$508
Maximum penalty for ordinary hazardous materials violations	49 U.S.C. 5123	\$83,439	\$84,425
Maximum penalty for aggravated hazardous materials violations	49 U.S.C. 5123	\$194,691	\$196,992

*F. PHMSA 2021 Adjustments*

PHMSA's civil penalties affected by this rule for hazardous materials violations are located in 49 CFR 107.329, appendix A to subpart D of 49 CFR part 107, and § 171.1. The civil penalties affected by this rule for pipeline safety violations are located in § 190.223. PHMSA's 2021 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.01182)
Maximum penalty for hazardous materials violation	49 U.S.C. 5123	\$83,439	\$84,425
Maximum penalty for hazardous materials violation	49 U.S.C. 5123	\$194,691	\$196,992

that results in death, serious illness, or severe injury to any person or substantial destruction of property			
Minimum penalty for hazardous materials training violations	49 U.S.C. 5123	\$502	\$508
Maximum penalty for each pipeline safety violation	49 U.S.C. 60122(a)(1)	\$222,504	\$225,134
Maximum penalty for a related series of pipeline safety violations	49 U.S.C. 60122(a)(1)	\$2,225,034	\$2,251,334
Maximum additional penalty for each liquefied natural gas pipeline facility violation	49 U.S.C. 60122(a)(2)	\$81,284	\$82,245
Maximum penalty for discrimination against employees providing pipeline safety information	49 U.S.C. 60122(a)(3)	\$1,292	\$1,307

*G. MARAD 2021 Adjustments*

MARAD's 2021 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.01182)
Maximum civil penalty for a single violation of any provision under 46 U.S.C. Chapter 313 and all of Subtitle III related MARAD regulations, except for violations of 46 U.S.C. 31329	46 U.S.C. 31309	\$21,409	\$21,662

Maximum civil penalty for a single violation of 46 U.S.C. 31329 as it relates to the court sales of documented vessels	46 U.S.C. 31330	\$53,524	\$54,157
Maximum civil penalty for a single violation of 46 U.S.C. 56101 as it relates to approvals required to transfer a vessel to a noncitizen	46 U.S.C. 56101(e)	\$21,507	\$21,761
Maximum civil penalty for failure to file an AMVER report	46 U.S.C. 50113(b)	\$135	\$137
Maximum civil penalty for violating procedures for the use and allocation of shipping services, port facilities and services for national security and national defense operations	50 U.S.C. 4513	\$27,051	\$27,371
Maximum civil penalty for violations in applying for or renewing a vessel's fishery endorsement	46 U.S.C. 12151	\$156,917	\$158,772

*H. Great Lakes St. Lawrence Seaway Development Corporation GLSLDC 2021 Adjustments*

GLSLDC's 2021 civil penalty adjustment is as follows:

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.01764)
Maximum civil penalty for each violation of the Seaway Rules and	33 U.S.C. 1232	\$95,881	\$97,014

Regulations at 33 CFR part 401			
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## **REGULATORY ANALYSIS AND NOTICES**

### **A. Executive Order 12866 and DOT Regulatory Policies and Procedures**

This final rule has been evaluated in accordance with existing policies and procedures and is considered not significant under Executive Orders 12866 and DOT's Regulatory Policies and Procedures; therefore, the rule has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

### **B. Regulatory Flexibility Analysis**

The Department has determined the Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601, *et seq.*) does not apply to this rulemaking. The RFA applies, in pertinent part, only when “an agency is required. . . to publish general notice of proposed rulemaking.” 5 U.S.C. 604(a).<sup>8</sup> The Small Business Administration's *A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act* (2012), explains that:

If, under the [Administrative Procedure Act (APA)] or any rule of general applicability governing federal grants to state and local governments, the agency is required to publish a general notice of proposed rulemaking (NPRM), the RFA must be considered [citing 5 U.S.C. 604(a)].... If an NPRM is not required, the RFA does not apply.

As stated above, DOT has determined that good cause exists to publish this final rule without notice and comment procedures under the APA. Therefore, the analytical requirements of the RFA do not apply.

### **C. Executive Order 13132 (Federalism)**

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<sup>8</sup> Under 5 U.S.C. 603(a), the Regulatory Flexibility Act also applies when an agency “publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States.” However, this rule does not involve the internal revenue laws of the United States.



This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”). This regulation has no substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. It does not contain any provision that imposes substantial direct compliance costs on State and local governments. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

**D. Executive Order 13175**

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Because none of the measures in the rule have tribal implications or impose substantial direct compliance costs on Indian tribal governments, the funding and consultation requirements of Executive Order 13175 do not apply.

**E. Paperwork Reduction Act**

Under the Paperwork Reduction Act, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the Federal Register providing notice of and a 60-day comment period on, and otherwise consult with members of the public and affected agencies concerning, each proposed collection of information. This final rule imposes no new information reporting or record keeping necessitating clearance by OMB.

**F. National Environmental Policy Act**

The Department has analyzed the environmental impacts of this final rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, Oct. 1, 1979 as amended July 13, 1982 and July 30, 1985). Categorical exclusions are actions

identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). *See* 40 CFR 1508.4. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* Paragraph 4(c)(5) of DOT Order 5610.1C incorporates by reference the categorical exclusions for all DOT Operating Administrations. This action qualifies for a categorical exclusion in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, (80 FR 44208, July 24, 2015), paragraph 5–6.6.f, which covers regulations not expected to cause any potentially significant environmental impacts. The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this final rule.

#### **G. Unfunded Mandates Reform Act**

The Department analyzed the final rule under the factors in the Unfunded Mandates Reform Act of 1995. The Department considered whether the rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any one year. The Department has determined that this final rule will not result in such expenditures. Accordingly, no further assessment or analysis is required under the Unfunded Mandates Reform Act.

#### **List of Subjects**

##### **14 CFR Part 13**

Administrative practice and procedure, Air transportation, Hazardous materials transportation, Investigations, Law enforcement, Penalties.

##### **14 CFR Part 383**

Administrative practice and procedure, Penalties.

**14 CFR Part 406**

Administrative procedure and review, Commercial space transportation, Enforcement, Investigations, Penalties, Rules of adjudication.

**33 CFR Part 401**

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

**46 CFR Part 221**

Administrative practice and procedure, Maritime carriers, Mortgages, Penalties, Reporting and recordkeeping requirements, Trusts and trustees.

**46 CFR Part 307**

Marine safety, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

**46 CFR Part 340**

Harbors, Maritime carriers, National defense, Packaging and containers.

**46 CFR Part 356**

Citizenship and naturalization, Fishing vessels, Mortgages, Penalties, Reporting and recordkeeping requirements, Vessels.

**49 CFR Part 107**

Administrative practices and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

**49 CFR Part 171**

Definitions, General information, Regulations

**49 CFR Part 190**

Administrative practice and procedure, Penalties, Pipeline safety.

**49 CFR Part 209**

Administrative practice and procedure, Hazardous materials transportation, Penalties, Railroad safety, Reporting and recordkeeping requirements.

**49 CFR Part 213**

Bridges, Penalties, Railroad safety, Reporting and recordkeeping requirements.

**49 CFR Part 214**

Bridges, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

**49 CFR Part 215**

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

**49 CFR Parts 216, 217, 221, 224, 229, 230, 232, 233, and 239**

Penalties, Railroad safety, Reporting and recordkeeping requirements.

**49 CFR Part 218**

Occupational safety and health, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

**49 CFR Part 219**

Alcohol abuse, Drug abuse, Drug testing, Penalties, Railroad safety, Reporting and recordkeeping requirements, Safety, Transportation.

**49 CFR Part 220**

Penalties, Radio, Railroad safety, Reporting and recordkeeping requirements.

**49 CFR Parts 222, 235, 240, 242, 243, and 244**

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

**49 CFR Part 223**

Glazing standards, Penalties, Railroad safety, Reporting and recordkeeping requirements.

#### **49 CFR Part 225**

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

#### **49 CFR Part 227**

Noise control, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

#### **49 CFR Part 228**

Penalties, Railroad employees, Reporting and recordkeeping requirements.

#### **49 CFR Part 231**

Penalties, Railroad safety.

#### **49 CFR Part 234**

Highway safety, Penalties, Railroad safety, Reporting and recordkeeping requirements, State and local governments.

#### **49 CFR Part 236**

Penalties, Positive train control, Railroad safety, Reporting and recordkeeping requirements.

#### **49 CFR Part 237**

Bridges, Penalties, Railroad safety, Reporting and recordkeeping requirements.

#### **49 CFR Part 238**

Fire prevention, Passenger equipment, Penalties, Railroad safety, Reporting and recordkeeping requirements.

#### **49 CFR Part 241**

Communications, Penalties, Railroad safety, Reporting and recordkeeping requirements.

#### **49 CFR Part 272**

Penalties, Railroad employees, Railroad safety, Railroads, Safety, Transportation.

#### **49 CFR Part 386**

Administrative procedures, Commercial motor vehicle safety, Highways and roads, Motor carriers, Penalties.

#### **49 CFR Part 578**

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires, Penalties.

Accordingly, the Department of Transportation amends 14 CFR chapters I, II, and III, 33 CFR chapter IV, 46 CFR chapter II, and 49 CFR chapters I, II, III, and V as follows:

### **TITLE 14 – AERONAUTICS AND SPACE**

#### **PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES**

1. Revise the authority citation for part 13 to read as follows:

**Authority:** 18 U.S.C. 6002, 28 U.S.C. 2461 (note); 49 U.S.C. 106(g), 5121–5124, 40113–40114, 44103–44106, 44701–44703, 44709– 44710, 44713, 44725, 44742, 44802 (note), 46101–46111, 46301, 46302 (for a violation of 49 U.S.C. 46504), 46304–46316, 46318–46320, 46501–46502, 46504, 46507, 47106, 47107, 47111, 47122, 47306, 47531–47532; 49 CFR 1.83.

2. Amend § 13.301 by revising paragraphs (b) and (c) to read as follows:

#### **§ 13.301 Inflation adjustments of civil monetary penalties.**

\* \* \* \* \*

- (b) Each adjustment to a maximum civil monetary penalty or to minimum and maximum civil monetary penalties that establish a civil monetary penalty range applies to actions initiated under this part for violations occurring on or after [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], notwithstanding references to specific civil penalty amounts elsewhere in this part.

(c) Minimum and maximum civil monetary penalties are as follows:

**Table 1 to § 13.301: Minimum and Maximum Civil Monetary Penalty Amounts for Certain Violations**

<b>United States Code citation</b>	<b>Civil monetary penalty description</b>	<b>2020 minimum penalty amount</b>	<b>New minimum penalty amount for violations occurring on or after [INSERT DATE OF PUBLIC ATION IN THE FEDERA L REGIST ER], adjusted for inflation</b>	<b>2020 maximum penalty amount</b>	<b>New maximum penalty amount for violations occurring on or after [INSERT DATE OF PUBLICATI ON IN THE FEDERAL REGISTER], adjusted for inflation</b>
49 U.S.C. 5123(a)(1)	Violation of hazardous materials transportation law	N/A	N/A	\$83,439	\$84,425

49 U.S.C. 5123(a)(2)	Violation of hazardous materials transportation law resulting in death, serious illness, severe injury, or substantial property destruction	N/A	N/A	\$194,691	\$196,992
49 U.S.C. 5123(a)(3)	Violation of hazardous materials transportation law relating to training	\$502	\$508	\$83,439	\$84,425
49 U.S.C. 44704(d)(3)	Knowing presentation of a nonconforming aircraft for issuance of an initial airworthiness certificate	N/A	N/A	\$1,000,000	No change
49 U.S.C. 44704(e)(4)	Knowing failure to submit safety critical information or include certain such information in an airplane flight manual or flight crew operating manual	N/A	N/A	\$1,000,000	No change



49 U.S.C. 44802 note	Operation of an unmanned aircraft or unmanned aircraft system equipped or armed with a dangerous weapon	N/A	N/A	\$25,441	\$25,742
49 U.S.C. 46301(a)(1)	Violation by a person other than an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B)	N/A	N/A	\$34,777	\$35,188
49 U.S.C. 46301(a)(1)	Violation by an airman serving as an airman under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered by 46301(a)(5)(A) or (B))	N/A	N/A	\$1,530	\$1,548
49 U.S.C. 46301(a)(1)	Violation by an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered in 49 U.S.C. 46301(a)(5))	N/A	N/A	\$1,530	\$1,548

49 U.S.C. 46301(a)(3)	Violation of 49 U.S.C. 47107(b) (or any assurance made under such section) or 49 U.S.C. 47133	N/A	N/A	Increase above otherwise applicable maximum amount not to exceed 3 times the amount of revenues that are used in violation of such section	No change
49 U.S.C. 46301(a)(5)(A)	Violation by an individual or small business concern (except an airman serving as an airman) under 49 U.S.C. 46301(a)(5)(A)(i) or (ii)	N/A	N/A	\$13,910	\$14,074
49 U.S.C. 46301(a)(5)(B)(i)	Violation by an individual or small business concern related to the transportation of hazardous materials	N/A	N/A	\$13,910	\$14,074

49 U.S.C. 46301(a)(5)(B)(i) i)	Violation by an individual or small business concern related to the registration or recordation under 49 U.S.C. chapter 441, of an aircraft not used to provide air transportation	N/A	N/A	\$13,910	\$14,074
49 U.S.C. 46301(a)(5)(B)(i) ii)	Violation by an individual or small business concern of 49 U.S.C. 44718(d), relating to limitation on construction or establishment of landfills	N/A	N/A	\$13,910	\$14,074
49 U.S.C. 46301(a)(5)(B)(i) v)	Violation by an individual or small business concern of 49 U.S.C. 44725, relating to the safe disposal of life-limited aircraft parts	N/A	N/A	\$13,910	\$14,074

49 U.S.C. 46301 note	Individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft	N/A	N/A	\$26,614	\$26,929
49 U.S.C. 46301(b)	Tampering with a smoke alarm device	N/A	N/A	\$4,465	\$4,518
49 U.S.C. 46302	Knowingly providing false information about alleged violation involving the special aircraft jurisdiction of the United States	N/A	N/A	\$24,252	\$24,539
49 U.S.C. 46318	Interference with cabin or flight crew	N/A	N/A	\$36,516	\$36,948
49 U.S.C. 46319	Permanent closure of an airport without providing sufficient notice	N/A	N/A	\$13,910	\$14,074

49 U.S.C. 46320	Operating an unmanned aircraft and in so doing knowingly or recklessly interfering with a wildfire suppression, law enforcement, or emergency response effort	N/A	N/A	\$21,292	\$21,544
49 U.S.C. 47531	Violation of 49 U.S.C. 47528-47530, relating to the prohibition of operating certain aircraft not complying with stage 3 noise levels	N/A	N/A	See 49 U.S.C. 46301(a)(1) and (a)(5), above	See 49 U.S.C. 46301(a)(1) and (a)(5), above

## **PART 383—CIVIL PENALTIES**

3. The authority citation for part 383 continues to read as follows:

**Authority:** Sec. 701, Pub. L. 114-74, 129 Stat. 584; Sec. 503, Pub. L. 108-176, 117 Stat. 2490; Pub. L. 101-410, 104 Stat. 890; Sec. 31001, Pub. L. 104-134.

4. Section 383.2 is revised to read as follows:

### **§ 383.2 Amount of penalty.**

Civil penalties payable to the U.S. Government for violations of Title 49, Chapters 401 through 421, pursuant to 49 U.S.C. 46301(a), are as follows:

(a) A general civil penalty of not more than \$35,188 (or \$1,548 for individuals or small businesses) applies to violations of statutory provisions and rules or orders issued under those provisions, other than those listed in paragraph (b) of this section (*see* 49 U.S.C. 46301(a)(1));

(b) With respect to small businesses and individuals, notwithstanding the general \$1,483 civil penalty, the following civil penalty limits apply:

(1) A maximum civil penalty of \$14,074 applies for violations of most provisions of Chapter 401, including the anti-discrimination provisions of sections 40127 (general provision), and 41705 (discrimination against the disabled) and rules and orders issued pursuant to those provisions (*see* 49 U.S.C. 46301(a)(5)(A));

(2) A maximum civil penalty of \$7,037 applies for violations of section 41719 and rules and orders issued pursuant to that provision (*see* 49 U.S.C. 46301(a)(5)(C)); and

(3) A maximum civil penalty of \$3,519 applies for violations of section 41712 or consumer protection rules or orders (*see* 49 U.S.C. 46301(a)(5)(D)).

## **PART 406—INVESTIGATIONS, ENFORCEMENT, AND ADMINISTRATIVE REVIEW**

5. The authority citation for part 406 continues to read as follows:

**Authority:** 51 U.S.C. 50901-50923.

6. Amend § 406.9 by revising paragraph (a) to read as follows:

### **§ 406.9 Civil penalties.**

(a) *Civil penalty liability.* Under 51 U.S.C. 50917(c), a person found by the FAA to have violated a requirement of the Act, a regulation issued under the Act, or any term or condition of a license or permit issued or transferred under the Act, is liable to the United States for a civil penalty of not more than \$247,280 for each violation. A separate violation occurs for each day the violation continues.

\* \* \* \* \*

## **TITLE 33 – NAVIGATION AND NAVIGABLE WATERS**

### **PART 401 – SEAWAY REGULATIONS AND RULES**

#### **Subpart B – Penalties—Violations of Seaway Regulations**

7. The authority citation for subpart B of part 401 is revised to read as follows:

**Authority:** 33 U.S.C. 981-990, 1231 and 1232, 49 CFR 1.52, unless otherwise noted.

8. Amend § 401.102 by revising paragraph (a) to read as follows:

**§ 401.102 Civil penalty.**

(a) A person, as described in § 401.101(b) who violates a regulation in this chapter is liable to a civil penalty of not more than \$97,014.

\* \* \* \* \*

**TITLE 46 – SHIPPING**

**PART 221--REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS  
AND OTHER MARITIME INTERESTS**

9. The authority citation for part 221 continues to read as follows:

**Authority:** 46 U.S.C. chs. 301, 313, and 561; Pub. L. 114-74; 49 CFR 1.93.

10. Section 221.61(b) is revised to read as follows:

**§ 221.61 Compliance.**

\*\*\*\*\*

(b) Pursuant to 46 U.S.C. 31309, a general penalty of not more than \$21,662 may be assessed for each violation of chapter 313 or 46 U.S.C. subtitle III administered by the Maritime Administration, and pursuant to the regulations in this part a person violating 46 U.S.C. 31329 is liable for a civil penalty of not more than \$54,157 for each violation. A person who charters, sells, transfers or mortgages a vessel, or an interest therein, in violation of 46 U.S.C. 56101(e) is liable for a civil penalty of not more than \$21,761 for each violation.

**PART 307—ESTABLISHMENT OF MANDATORY POSITION REPORTING SYSTEM  
FOR VESSELS**

11. The authority citation for part 307 continues to read as follows:

**Authority:** Pub. L. 109-304; 46 U.S.C. 50113; Pub. L. 114-74; 49 CFR 1.93.

12. Section 307.19 is revised to read as follows:

**§ 307.19 Penalties.**

The owner or operator of a vessel in the waterborne foreign commerce of the United States is subject to a penalty of \$137.00 for each day of failure to file an AMVER report required by this part. Such penalty shall constitute a lien upon the vessel, and such vessel may be libeled in the district court of the United States in which the vessel may be found.

**PART 340--PRIORITY USE AND ALLOCATION OF SHIPPING SERVICES,  
CONTAINERS AND CHASSIS, AND PORT FACILITIES AND SERVICES FOR  
NATIONAL SECURITY AND NATIONAL DEFENSE RELATED OPERATIONS**

13. The authority citation for part 340 continues to read as follows:

**Authority:** 50 U.S.C. 4501 *et seq.* (“The Defense Production Act”); Executive Order 13603 (77 FR 16651); Executive Order 12656 (53 FR 47491); Pub. L. 114-74; 49 CFR 1.45; 49 CFR 1.93(l).

14. Section 340.9 is revised to read as follows:

**§ 340.9 Compliance.**

Pursuant 50 U.S.C. 4513 any person who willfully performs any act prohibited, or willfully fails to perform any act required, by the provisions of this part shall, upon conviction, be fined not more than \$27,371 or imprisoned for not more than one year, or both.

**PART 356--REQUIREMENTS FOR VESSELS OF 100 FEET OR GREATER IN  
REGISTERED LENGTH TO OBTAIN A FISHERY ENDORSEMENT TO THE  
VESSEL’S DOCUMENTATION**

15. The authority citation for part 356 continues to read as follows:

**Authority:** 46 U.S.C. 12102; 46 U.S.C. 12151; 46 U.S.C. 31322; Pub. L. 105-277, division C, title II, subtitle I, section 203 (46 U.S.C. 12102 note), section 210(e), and section 213(g), 112 Stat. 2681; Pub. L. 107-20, section 2202, 115 Stat. 168-170; Pub. L. 114-74; 49 CFR 1.93.



16. Amend § 356.49 by revising paragraph (b) to read as follows:

**§ 356.49 Penalties.**

\* \* \* \* \*

(b) A fine of up to \$158,772 may be assessed against the vessel owner for each day in which such vessel has engaged in fishing (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) within the exclusive economic zone of the United States; and

\* \* \* \* \*

**TITLE 49 – TRANSPORTATION**

**PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES**

17. The authority citation for part 107 continues to read as follows:

**Authority:** 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 Section 4; Pub. L. 104–121 Sections 212–213; Pub. L. 104–134 Section 31001; Pub. L. 114–74 Section 4 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97; 33 U.S.C. 1321.

18. Revise § 107.329 to read as follows:

**§ 107.329 Maximum penalties.**

(a) A person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued thereunder, this subchapter, subchapter C of the chapter, or a special permit or approval issued under this subchapter applicable to the transportation of hazardous materials or the causing of them to be transported or shipped is liable for a civil penalty of not more than \$84,425 for each violation, except the maximum civil penalty is \$196,992 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of \$508 for violations relating to training. When the violation is a continuing one, each day of the violation constitutes a separate offense.

(b) A person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued thereunder, this subchapter, subchapter C of the chapter, or a special permit or approval issued under this subchapter applicable to the design, manufacture, fabrication, inspection, marking, maintenance, reconditioning, repair or testing of a package, container, or packaging component which is represented, marked, certified, or sold by that person as qualified for use in the transportation of hazardous materials in commerce is liable for a civil penalty of not more than \$84,425 for each violation, except the maximum civil penalty is \$196,992 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of \$508 for violations relating to training.

#### **Appendix A to Subpart D of Part 107 [Amended]**

19. In appendix A to subpart D of part 107, remove “\$83,439 or \$194,691” and “July 31, 2019” and add in their places “\$84,425 or \$196,992” and “[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER],” respectively.

#### **PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS**

20. The authority citation for part 171 continues to read as follows:

**Authority:** 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114-74 section 4 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

21. Amend § 171.1 by revising paragraph (g) to read as follows:

#### **§ 171.1 Applicability of Hazardous Materials Regulations (HMR) to persons and functions.**

\* \* \* \* \*

(g) *Penalties for noncompliance.* Each person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued under Federal hazardous material transportation law, subchapter A of this chapter, or a special permit or

approval issued under subchapter A or C of this chapter is liable for a civil penalty of not more than \$84,425 for each violation, except the maximum civil penalty is \$196,992 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of \$508 for a violation relating to training.

## **PART 190-PIPELINE SAFETY ENFORCEMENT AND REGULATORY PROCEDURES**

22. The authority citation for part 190 continues to read as follows:

**Authority:** 33 U.S.C. 1321(b); 49 U.S.C. 60101 *et seq.*

23. Amend § 190.223 by revising paragraphs (a), (c), and (d) to read as follows:

### **§ 190.223 Maximum penalties.**

(a) Any person found to have violated a provision of 49 U.S.C. 60101, et seq., or any regulation in 49 CFR parts 190 through 199, or order issued pursuant to 49 U.S.C. 60101, et seq. or 49 CFR part 190, is subject to an administrative civil penalty not to exceed \$225,134 for each violation for each day the violation continues, with a maximum administrative civil penalty not to exceed \$2,251,334 for any related series of violations.

\* \* \* \* \*

(c) Any person found to have violated any standard or order under 49 U.S.C. 60103 is subject to an administrative civil penalty not to exceed \$82,245, which may be in addition to other penalties to which such person may be subject under paragraph (a) of this section.

(d) Any person who is determined to have violated any standard or order under 49 U.S.C. 60129 is subject to an administrative civil penalty not to exceed \$1,307, which may be in addition to other penalties to which such person may be subject under paragraph (a) of this section.

\* \* \* \* \*

## **PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES**

24. The authority citation for part 209 continues to read as follows:

**Authority:** 49 U.S.C. 5123, 5124, 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461, note; and 49 CFR 1.89.

25. Amend § 209.103 by revising paragraphs (a) and (c) to read as follows:

### **§ 209.103 Minimum and maximum penalties.**

(a) A person who knowingly violates a requirement of the Federal hazardous materials transportation laws, an order issued thereunder, subchapter A or C of chapter I, subtitle B, of this title, or a special permit or approval issued under subchapter A or C of chapter I, subtitle B, of this title is liable for a civil penalty of not more than \$84,425 for each violation, except that—

(1) The maximum civil penalty for a violation is \$196,992 if the violation results in death, serious illness, or severe injury to any person, or substantial destruction of property; and

(2) A minimum \$508 civil penalty applies to a violation related to training.

\* \* \* \* \*

(c) The maximum and minimum civil penalties described in paragraph (a) of this section apply to violations occurring on or after **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

26. Amend § 209.105 by revising the last sentence of paragraph (c) to read as follows:

### **§ 209.105 Notice of probable violation.**

\* \* \* \* \*

(c) \* \* \* In an amended notice, FRA may change the civil penalty amount proposed to be assessed up to and including the maximum penalty amount of \$84,425 for each violation, except that if the violation results in death, serious illness or severe injury

to any person, or substantial destruction of property, FRA may change the penalty amount proposed to be assessed up to and including the maximum penalty amount of \$196,992.

**§ 209.409 [Amended]**

27. Amend § 209.409 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

28. In appendix A to part 209, amend the section “Penalty Schedules; Assessment of Maximum Penalties” by:

- a. Adding a sentence to the end of the sixth paragraph;
- b. Revising the fourth sentence in the seventh paragraph; and
- c. Revising the first sentence of the tenth paragraph.

The addition and revisions read as follows:

**Appendix A to Part 209—Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws**

\* \* \* \* \*

Penalty Schedules; Assessment of Maximum Penalties

\* \* \* \* \*

\* \* \* Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the minimum civil monetary penalty was raised from \$908 to \$919, the ordinary maximum civil monetary penalty was raised from \$29,707 to \$30,058, and the aggravated maximum civil monetary penalty was raised from \$118,826 to \$120,231.

\* \* \* For each regulation in this part or order, the schedule shows two amounts within the \$919 to \$30,058 range in separate columns, the first for ordinary violations, the second for willful violations (whether committed by railroads or individuals). \* \* \*

\* \* \* \* \*

Accordingly, under each of the schedules (ordinarily in a footnote), and regardless of the fact that a lesser amount might be shown in both columns of the schedule, FRA reserves the right to assess the statutory maximum penalty of up to \$120,231 per violation where a pattern of repeated violations or a grossly negligent violation has created an imminent hazard of death or injury or has caused death or injury. \* \* \*

\* \* \* \* \*

#### **Appendix B to Part 209 [Amended]**

29. Amend appendix B to part 209 as follows:

a. Remove the dollar amount “\$83,439” everywhere it appears and add in its place “\$84,425”;

b. Remove the dollar amount “\$194,691” everywhere it appears and add in its place “\$196,992”; and

c. Remove the dollar amount “\$502” and add in its place “\$508”.

#### **PART 213—TRACK SAFETY STANDARDS**

30. The authority citation for part 213 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20114 and 20142; Sec. 403, Div. A, Public Law 110-432, 122 Stat. 4885; 28 U.S.C. 2461, note; and 49 CFR 1.89.

#### **§ 213.15 [Amended]**

31. In § 213.15, amend paragraph (a) as follows:

a. Remove the dollar amount “\$908” and add in its place “\$919”;

b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and

- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 214—RAILROAD WORKPLACE SAFETY**

- 32. The authority citation for part 214 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20103, 20107, 21301-21302, 31304, 28 U.S.C.

2461, note; and 49 CFR 1.89.

### **§ 214.5 [Amended]**

- 33. Amend § 214.5 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS**

- 34. The authority citation for part 215 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 215.7 [Amended]**

- 35. Amend § 215.7 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 216—SPECIAL NOTICE AND EMERGENCY ORDER PROCEDURES:**

### **RAILROAD TRACK, LOCOMOTIVE AND EQUIPMENT**

- 36. The authority citation for part 216 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20104, 20107, 20111, 20133, 20701-20702, 21301-

21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 216.7 [Amended]**

- 37. Amend § 216.7 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;

- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 217—RAILROAD OPERATING RULES**

38. The authority citation for part 217 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 217.5 [Amended]**

39. Amend § 217.5 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 218—RAILROAD OPERATING PRACTICES**

40. The authority citation for part 218 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107; 20131, 20138, 20144, 20168, 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 218.9 [Amended]**

41. Amend § 218.9 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 219—CONTROL OF ALCOHOL AND DRUG USE**

42. The authority citation for part 219 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461, note; Sec. 412, Div. A, Pub. L. 110-432, 122 Stat. 4889 (49 U.S.C. 20140, note); and 49 CFR 1.89.

### **§ 219.10 [Amended]**

43. Amend § 219.10 as follows:



- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 220—RAILROAD COMMUNICATIONS**

44. The authority citation for part 220 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20103, 20103, note, 20107, 21301-21302, 20701-20703, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 220.7 [Amended]**

45. Amend § 220.7 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 221—REAR END MARKING DEVICE—PASSENGER, COMMUTER AND FREIGHT TRAINS**

46. The authority citation for part 221 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 221.7 [Amended]**

47. Amend § 221.7 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY-RAIL GRADE CROSSINGS**

48. The authority citation for part 222 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

## **§ 222.11 [Amended]**

49. Amend § 222.11 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 223—SAFETY GLAZING STANDARDS—LOCOMOTIVES, PASSENGER CARS AND CABOOSSES**

50. The authority citation for part 223 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20103, 20133, 20701-20702, 21301-21302, 21304;

28 U.S.C. 2461, note; and 49 CFR 1.89.

## **§ 223.7 [Amended]**

51. Amend § 223.7 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 224—REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK**

52. The authority citation for part 224 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20148 and 21301; 28 U.S.C. 2461, note;

and 49 CFR 1.89.

## **§ 224.11 [Amended]**

53. In § 224.11, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 225—RAILROAD ACCIDENTS/INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS**

54. The authority citation for part 225 continues to read as follows:

**Authority:** 49 U.S.C. 103, 322(a), 20103, 20107, 20901-20902, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

**§ 225.29 [Amended]**

55. Amend § 225.29 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

**PART 227—OCCUPATIONAL NOISE EXPOSURE**

56. The authority citation for part 227 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20103, note, 20701-20702; 28 U.S.C. 2461, note; and 49 CFR 1.89.

**§ 227.9 [Amended]**

57. In § 227.9, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

**PART 228—PASSENGER TRAIN EMPLOYEE HOURS OF SERVICE;**

**RECORDKEEPING AND REPORTING; SLEEPING QUARTERS**

58. The authority citation for part 228 continues to read as follows:

**Authority:** 49 U.S.C. 103, 20103, 20107, 21101-21109; Sec. 108, Div. A, Pub. L. 110-432, 122 Stat. 4860-4866, 4893-4894; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

**§ 228.6 [Amended]**

59. In § 228.6, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;

b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and

c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

60. In appendix A to part 228, under the heading “General Provisions,” amend the “Penalty” paragraph by adding a sentence at the end of the first paragraph to read as follows:

**Appendix A to Part 228—Requirements of the Hours of Service Act: Statement of Agency Policy and Interpretation**

\* \* \* \* \*

**General Provisions**

\* \* \* \* \*

*Penalty.* \* \* \* Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the minimum civil monetary penalty was raised from \$908 to \$919, the ordinary maximum civil monetary penalty was raised from \$29,707 to \$30,058, and the aggravated maximum civil monetary penalty was raised from \$118,826 to \$120,231.

\* \* \* \* \*

**PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS**

61. The authority citation for part 229 continues to read as follows:

**Authority:** 49 U.S.C. 103, 322(a), 20103, 20107, 20901-02, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

**§ 229.7 [Amended]**

62. In § 229.7, amend paragraph (b) as follows:

a. Remove the dollar amount “\$908” and add in its place “\$919”;

b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and

c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

**PART 230—STEAM LOCOMOTIVE INSPECTION AND MAINTENANCE STANDARDS**

63. The authority citation for part 230 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20702; 28 U.S.C. 2461, note; and 49 CFR

1.89.

#### **§ 230.4 [Amended]**

64. In § 230.4, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

#### **PART 231—RAILROAD SAFETY APPLIANCE STANDARDS**

65. The authority citation for part 231 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20103, 20107, 20131, 20301-20303, 21301-21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

#### **§ 231.0 [Amended]**

66. In § 231.0, amend paragraph (f) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

#### **PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS**

67. The authority citation for part 233 continues to read as follows:

**Authority:** 49 U.S.C. 504, 522, 20103, 20107, 20501-20505, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

#### **§ 233.11 [Amended]**

68. Amend § 233.11 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 234—GRADE CROSSING SAFETY**

69. Revise the authority citation for part 234 to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20152, 20160, 21301, 21304, 21311, 22501 note; Pub. L. 110-432, Div. A., Sec. 202, 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 234.6 [Amended]**

70. In § 234.6, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM OR RELIEF FROM THE REQUIREMENTS OF PART 236**

71. The authority citation for part 235 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 235.9 [Amended]**

72. Amend § 235.9 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 236—RULES, STANDARDS, AND INSTRUCTIONS GOVERNING THE INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SIGNAL AND TRAIN CONTROL SYSTEMS, DEVICES, AND APPLIANCES**

73. The authority citation for part 236 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20103, 20107, 20133, 20141, 20157, 20301-20303, 20306, 20501-20505, 20701-20703, 21301-21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

## **§ 236.0 [Amended]**

74. In § 236.0, amend paragraph (f) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 237—BRIDGE SAFETY STANDARDS**

75. The authority citation for part 237 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20114; Public Law 110-432, Div. A, Sec. 417; 28 U.S.C. 2461, note; and 49 CFR 1.89.

## **§ 237.7 [Amended]**

76. In § 237.7, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS**

77. The authority citation for part 238 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20133, 20141, 20302-20303, 20306, 20701-20702, 21301-21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

## **§ 238.11 [Amended]**

78. In § 238.11, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 239—PASSENGER TRAIN EMERGENCY PREPAREDNESS**

79. The authority citation for part 239 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20103, 20105-20114, 20133, 21301, 21304, and 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

**§ 239.11 [Amended]**

80. Amend § 239.11 as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

**PART 240—QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS**

81. The authority citation for part 240 is revised to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20135, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

**§ 240.11 [Amended]**

82. In § 240.11, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

**PART 241—UNITED STATES LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS**

83. The authority citation for part 241 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461, note; 49 CFR 1.89.

**§ 241.15 [Amended]**

84. In § 241.15, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and



- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 242—QUALIFICATION AND CERTIFICATION OF CONDUCTORS**

85. The authority citation for part 242 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20135, 20138, 20162, 20163, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 242.11 [Amended]**

86. In § 242.11, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 243—TRAINING, QUALIFICATION, AND OVERSIGHT FOR SAFETY-RELATED RAILROAD EMPLOYEES**

87. The authority citation for part 243 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20131-20155, 20162, 20301-20306, 20701-20702, 21301-21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 243.7 [Amended]**

88. In § 243.7, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 244—REGULATIONS ON SAFETY INTEGRATION PLANS GOVERNING RAILROAD CONSOLIDATIONS, MERGERS, AND ACQUISITIONS OF CONTROL**

89. The authority citation for part 244 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 21301; 5 U.S.C. 553 and 559; 28 U.S.C. 2461, note; and 49 CFR 1.89.

### **§ 244.5 [Amended]**

90. In § 244.5, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 272—CRITICAL INCIDENT STRESS PLANS**

91. The authority citation for part 272 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20109, note; 28 U.S.C. 2461, note; 49 CFR 1.89; and sec. 410, Div. A, Pub. L. 110-432, 122 Stat. 4888.

### **§ 272.11 [Amended]**

92. In § 272.11, amend paragraph (a) as follows:

- a. Remove the dollar amount “\$908” and add in its place “\$919”;
- b. Remove the dollar amount “\$29,707” and add in its place “\$30,058”; and
- c. Remove the dollar amount “\$118,826” and add in its place “\$120,231”.

## **PART 386—RULES OF PRACTICE FOR FMCSA PROCEEDINGS**

93. The authority citation for part 386 is revised to read as follows:

**Authority:** 49 U.S.C. 113; chapters 5, 51, 131-141, 145-149, 311, 313, and 315; Sec. 204, Pub. L. 104-88, 109 Stat. 803, 941 (49 U.S.C. 701 note); Sec. 32402, Pub. L. 112-141, 126 Stat. 405, 795 (49 U.S.C. 31306a); Sec. 701 Pub. L. 114-74, 129 Stat. 599 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.87.

94. Amend appendix A to part 386 by revising the introductory text, section II, and section IV.a. through e. and g. through j. to read as follows:

### **Appendix A to Part 386—Penalty Schedule: Violations of Notices and Orders**

The Civil Penalties Inflation Adjustment Act Improvements Act of 2015 [Public Law 114-74, sec. 701, 129 Stat. 599] amended the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to adjust civil penalties for inflation.

Pursuant to that authority, the inflation adjusted civil penalties identified in this appendix

supersede the corresponding civil penalty amounts identified in title 49, United States Code.

\* \* \* \* \*

## II. Subpoena

Violation—Failure to respond to Agency subpoena to appear and testify or produce records.

Penalty—minimum of \$1,125 but not more than \$11,256 per violation.

\* \* \* \* \*

## IV. Out-of-Service Order

a. Violation—Operation of a commercial vehicle by a driver during the period the driver was placed out of service.

Penalty—Up to \$1,951 per violation.

(For purposes of this violation, the term “driver” means an operator of a commercial motor vehicle, including an independent contractor who, while in the course of operating a commercial motor vehicle, is employed or used by another person.)

b. Violation—Requiring or permitting a driver to operate a commercial vehicle during the period the driver was placed out of service.

Penalty—Up to \$19,505 per violation.

(This violation applies to motor carriers including an independent contractor who is not a “driver,” as defined under paragraph IV(a) above.)

c. Violation—Operation of a commercial motor vehicle or intermodal equipment by a driver after the vehicle or intermodal equipment was placed out-of-service and before the required repairs are made.

Penalty—\$1,951 each time the vehicle or intermodal equipment is so operated.

(This violation applies to drivers as defined in IV(a) above.)

d. Violation—Requiring or permitting the operation of a commercial motor vehicle or intermodal equipment placed out-of-service before the required repairs are made.

Penalty—Up to \$19,505 each time the vehicle or intermodal equipment is so operated after notice of the defect is received.

(This violation applies to intermodal equipment providers and motor carriers, including an independent owner operator who is not a “driver,” as defined in IV(a) above.)

e. Violation—Failure to return written certification of correction as required by the out-of-service order.

Penalty—Up to \$975 per violation.

\* \* \* \* \*

g. Violation—Operating in violation of an order issued under § 386.72(b) to cease all or part of the employer’s commercial motor vehicle operations or to cease part of an intermodal equipment provider’s operations, i.e., failure to cease operations as ordered.

Penalty—Up to \$28,142 per day the operation continues after the effective date and time of the order to cease.

h. Violation—Operating in violation of an order issued under § 386.73.

Penalty—Up to \$24,730 per day the operation continues after the effective date and time of the out-of-service order.

i. Violation—Conducting operations during a period of suspension under § 386.83 or § 386.84 for failure to pay penalties.

Penalty—Up to \$15,876 for each day that operations are conducted during the suspension or revocation period.

j. Violation—Conducting operations during a period of suspension or revocation under § 385.911, § 385.913, § 385.1009, or § 385.1011 of this subchapter.

Penalty—Up to \$24,730 for each day that operations are conducted during the suspension or revocation period.

95. Amend appendix B to part 386 by revising the introductory text and paragraphs (a)(1) through (5), (b), (d) through (f), (g)(1) through (8), (10) through (14), and (16) through (18), (g)(21)(i), (g)(22) and (23), (h), and (i) to read as follows:

**Appendix B to Part 386—Penalty Schedule: Violations and Monetary Penalties**

The Civil Penalties Inflation Adjustment Act Improvements Act of 2015 [Public Law 114-74, sec. 701, 129 Stat. 599] amended the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to adjust civil penalties for inflation.

Pursuant to that authority, the inflation adjusted civil penalties identified in this appendix supersede the corresponding civil penalty amounts identified in title 49, United States Code.

What are the types of violations and maximum monetary penalties?

(a) \* \* \*

(1) *Recordkeeping.* A person or entity that fails to prepare or maintain a record required by part 40 of this title and parts 382, subpart A, B, C, D, E, or F, 385, and 390 through 399 of this subchapter, or prepares or maintains a required record that is incomplete, inaccurate, or false, is subject to a maximum civil penalty of \$1,307 for each day the violation continues, up to \$13,072.

(2) *Knowing falsification of records.* A person or entity that knowingly falsifies, destroys, mutilates, or changes a report or record required by parts 382, subpart A, B, C, D, E, or F, 385, and 390 through 399 of this subchapter, knowingly makes or causes to be made a false or incomplete record about an operation or business fact or transaction, or knowingly makes, prepares, or preserves a record in violation of a regulation order of the Secretary is subject to a maximum civil penalty of \$13,072 if such action misrepresents a fact that constitutes a violation other than a reporting or recordkeeping violation.

(3) *Non-recordkeeping violations.* A person or entity that violates part 382, subpart A, B, C, D, E, or F, part 385, or parts 390 through 399 of this subchapter, except a

recordkeeping requirement, is subject to a civil penalty not to exceed \$15,876 for each violation.

(4) *Non-recordkeeping violations by drivers.* A driver who violates parts 382, subpart A, B, C, D, E, or F, 385, and 390 through 399 of this subchapter, except a recordkeeping violation, is subject to a civil penalty not to exceed \$3,969.

(5) *Violation of 49 CFR 392.5.* A driver placed out of service for 24 hours for violating the alcohol prohibitions of 49 CFR 392.5(a) or (b) who drives during that period is subject to a civil penalty not to exceed \$3,268 for a first conviction and not less than \$6,536 for a second or subsequent conviction.

\* \* \* \* \*

(b) *Commercial driver's license (CDL) violations.* Any employer, employee, medical review officer, or service agent who violates any provision of 49 CFR part 382, subpart G, or any person who violates 49 CFR part 383, subpart B, C, E, F, G, or H, is subject to a civil penalty not to exceed \$5,902; except:

(1) A CDL-holder who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$3,268 for a first conviction and not less than \$6,536 for a second or subsequent conviction;

(2) An employer of a CDL-holder who knowingly allows, requires, permits, or authorizes an employee to operate a CMV during any period in which the CDL-holder is subject to an out-of-service order, is subject to a civil penalty of not less than \$5,902 or more than \$32,679; and

(3) An employer of a CDL-holder who knowingly allows, requires, permits, or authorizes that CDL-holder to operate a CMV in violation of a Federal, State, or local law or regulation pertaining to railroad-highway grade crossings is subject to a civil penalty of not more than \$16,941.

\* \* \* \* \*

(d) *Financial responsibility violations.* A motor carrier that fails to maintain the levels of financial responsibility prescribed by part 387 of this subchapter or any person (except an employee who acts without knowledge) who knowingly violates the rules of part 387, subparts A and B, is subject to a maximum penalty of \$17,416. Each day of a continuing violation constitutes a separate offense.

(e) *Violations of the Hazardous Materials Regulations (HMRs) and safety permitting regulations found in subpart E of part 385 of this subchapter.* This paragraph (e) applies to violations by motor carriers, drivers, shippers and other persons who transport hazardous materials on the highway in commercial motor vehicles or cause hazardous materials to be so transported.

(1) All knowing violations of 49 U.S.C. chapter 51 or orders or regulations issued under the authority of that chapter applicable to the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not more than \$84,425 for each violation. Each day of a continuing violation constitutes a separate offense.

(2) All knowing violations of 49 U.S.C. chapter 51 or orders or regulations issued under the authority of that chapter applicable to training related to the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not less than \$508 and not more than \$84,425 for each violation.

(3) All knowing violations of 49 U.S.C. chapter 51 or orders, regulations, or exemptions under the authority of that chapter applicable to the manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of a packaging or container that is represented, marked, certified, or sold as being qualified for use in the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not more than \$84,425 for each violation.

(4) Whenever regulations issued under the authority of 49 U.S.C. chapter 51 require compliance with the FMCSRs while transporting hazardous materials, any violations of the FMCSRs will be considered a violation of the HMRs and subject to a civil penalty of not more than \$84,425.

(5) If any violation subject to the civil penalties set out in paragraphs (e)(1) through (4) of this appendix results in death, serious illness, or severe injury to any person or in substantial destruction of property, the civil penalty may be increased to not more than \$196,992 for each offense.

*(f) Operating after being declared unfit by assignment of a final “unsatisfactory” safety rating.* (1) A motor carrier operating a commercial motor vehicle in interstate commerce (except owners or operators of commercial motor vehicles designed or used to transport hazardous materials for which placarding of a motor vehicle is required under regulations prescribed under 49 U.S.C. chapter 51) is subject, after being placed out of service because of receiving a final “unsatisfactory” safety rating, to a civil penalty of not more than \$28,142 (49 CFR 385.13). Each day the transportation continues in violation of a final “unsatisfactory” safety rating constitutes a separate offense.

(2) A motor carrier operating a commercial motor vehicle designed or used to transport hazardous materials for which placarding of a motor vehicle is required under regulations prescribed under 49 U.S.C. chapter 51 is subject, after being placed out of service because of receiving a final “unsatisfactory” safety rating, to a civil penalty of not more than \$84,425 for each offense. If the violation results in death, serious illness, or severe injury to any person or in substantial destruction of property, the civil penalty may be increased to not more than \$196,992 for each offense. Each day the transportation continues in violation of a final “unsatisfactory” safety rating constitutes a separate offense.

(g) \* \* \*



- (1) A person who operates as a motor carrier for the transportation of property in violation of the registration requirements of 49 U.S.C. 13901 is liable for a minimum penalty of \$11,256 per violation.
- (2) A person who knowingly operates as a broker in violation of registration requirements of 49 U.S.C 13904 or financial security requirements of 49 U.S.C 13906 is liable for a penalty not to exceed \$11,256 for each violation.
- (3) A person who operates as a motor carrier of passengers in violation of the registration requirements of 49 U.S.C. 13901 is liable for a minimum penalty of \$28,142 per violation.
- (4) A person who operates as a foreign motor carrier or foreign motor private carrier of property in violation of the provisions of 49 U.S.C. 13902(c) is liable for a minimum penalty of \$11,256 per violation.
- (5) A person who operates as a foreign motor carrier or foreign motor private carrier without authority, outside the boundaries of a commercial zone along the United States-Mexico border, is liable for a maximum penalty of \$15,480 for an intentional violation and a maximum penalty of \$38,702 for a pattern of intentional violations.
- (6) A person who operates as a motor carrier or broker for the transportation of hazardous wastes in violation of the registration provisions of 49 U.S.C. 13901 is liable for a minimum penalty of \$22,514 and a maximum penalty of \$45,027 per violation.
- (7) A motor carrier or freight forwarder of household goods, or their receiver or trustee, that does not comply with any regulation relating to the protection of individual shippers, is liable for a minimum penalty of \$1,693 per violation.
- (8) A person—
  - (i) Who falsifies, or authorizes an agent or other person to falsify, documents used in the transportation of household goods by motor carrier or freight forwarder to evidence the weight of a shipment; or

(ii) Who charges for services which are not performed or are not reasonably necessary in the safe and adequate movement of the shipment is liable for a minimum penalty of \$3,389 for the first violation and \$8,471 for each subsequent violation.

\* \* \* \* \*

(10) A person who offers, gives, solicits, or receives transportation of property by a carrier at a different rate than the rate in effect under 49 U.S.C. 13702 is liable for a maximum penalty of \$169,412 per violation. When acting in the scope of his/her employment, the acts or omissions of a person acting for or employed by a carrier or shipper are considered to be the acts or omissions of that carrier or shipper, as well as that person.

(11) Any person who offers, gives, solicits, or receives a rebate or concession related to motor carrier transportation subject to jurisdiction under subchapter I of 49 U.S.C. chapter 135, or who assists or permits another person to get that transportation at less than the rate in effect under 49 U.S.C. 13702, commits a violation for which the penalty is \$338 for the first violation and \$423 for each subsequent violation.

(12) A freight forwarder, its officer, agent, or employee, that assists or willingly permits a person to get service under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to \$848 for the first violation and up to \$3,389 for each subsequent violation.

(13) A person who gets or attempts to get service from a freight forwarder under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to \$848 for the first violation and up to \$3,389 for each subsequent violation.

(14) A person who knowingly authorizes, consents to, or permits a violation of 49 U.S.C. 14103 relating to loading and unloading motor vehicles or who knowingly violates

subsection (a) of 49 U.S.C. 14103 is liable for a penalty of not more than \$16,941 per violation.

\* \* \* \* \*

(16) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under part B of subtitle IV, title 49, U.S.C., or an officer, agent, or employee of that person, is liable for a minimum penalty of \$1,125 and for a maximum penalty of \$8,471 per violation if it does not make the report, does not completely and truthfully answer the question within 30 days from the date the Secretary requires the answer, does not make or preserve the record in the form and manner prescribed, falsifies, destroys, or changes the report or record, files a false report or record, makes a false or incomplete entry in the record about a business-related fact, or prepares or preserves a record in violation of a regulation or order of the Secretary.

(17) A motor carrier, water carrier, freight forwarder, or broker, or their officer, receiver, trustee, lessee, employee, or other person authorized to receive information from them, who discloses information identified in 49 U.S.C. 14908 without the permission of the shipper or consignee is liable for a maximum penalty of \$3,389.

(18) A person who violates a provision of part B, subtitle IV, title 49, U.S.C., or a regulation or order under part B, or who violates a condition of registration related to transportation that is subject to jurisdiction under subchapter I or III of chapter 135, or who violates a condition of registration of a foreign motor carrier or foreign motor private carrier under section 13902, is liable for a penalty of \$848 for each violation if another penalty is not provided in 49 U.S.C. chapter 149.

\* \* \* \* \*

(21) \* \* \*

(i) Who knowingly and willfully fails, in violation of a contract, to deliver to, or unload at, the destination of a shipment of household goods in interstate commerce for which

charges have been estimated by the motor carrier transporting such goods, and for which the shipper has tendered a payment in accordance with part 375, subpart G, of this subchapter, is liable for a civil penalty of not less than \$16,941 for each violation. Each day of a continuing violation constitutes a separate offense.

\* \* \* \* \*

(22) A broker for transportation of household goods who makes an estimate of the cost of transporting any such goods before entering into an agreement with a motor carrier to provide transportation of household goods subject to FMCSA jurisdiction is liable to the United States for a civil penalty of not less than \$13,072 for each violation.

(23) A person who provides transportation of household goods subject to jurisdiction under 49 U.S.C. chapter 135, subchapter I, or provides broker services for such transportation, without being registered under 49 U.S.C. chapter 139 to provide such transportation or services as a motor carrier or broker, as the case may be, is liable to the United States for a civil penalty of not less than \$32,679 for each violation.

(h) *Copying of records and access to equipment, lands, and buildings.* A person subject to 49 U.S.C. chapter 51 or a motor carrier, broker, freight forwarder, or owner or operator of a commercial motor vehicle subject to part B of subtitle VI of title 49 U.S.C. who fails to allow promptly, upon demand in person or in writing, the Federal Motor Carrier Safety Administration, an employee designated by the Federal Motor Carrier Safety Administration, or an employee of a MCSAP grant recipient to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property, in accordance with 49 U.S.C. 504(c), 5121(c), and 14122(b), is subject to a civil penalty of not more than \$1,307 for each offense. Each day of a continuing violation constitutes a separate offense, except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed \$13,072.

(i) *Evasion.* A person, or an officer, employee, or agent of that person:

(1) Who by any means tries to evade regulation of motor carriers under title 49, United States Code, chapter 5, chapter 51, subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502, or a regulation in subtitle B, chapter I, subchapter C of this title, or this subchapter, issued under any of those provisions, shall be fined at least \$2,252 but not more than \$5,628 for the first violation and at least \$2,813 but not more than \$8,433 for a subsequent violation.

(2) Who tries to evade regulation under part B of subtitle IV, title 49, U.S.C., for carriers or brokers is liable for a penalty of at least \$2,252 for the first violation or at least \$5,628 for a subsequent violation.

## **PART 578 – CIVIL AND CRIMINAL PENALTIES**

96. The authority citation for part 578 is revised to read as follows:

**Authority:** Pub. L. 92-513, Pub. L. 94-163, Pub. L. 98-547, Pub. L. 101-410, Pub. L. 102-388, Pub. L. 102-519, Pub. L. 104-134, Pub. L. 109-59, Pub. L. 110-140, Pub. L. 112-141, Pub. L. 114-74, Pub. L. 114-94 (49 U.S.C. 30165, 30170, 30505, 32308, 32309, 32507, 32709, 32710, 32902, 32912, 33114, and 33115); delegation of authority at 49 CFR 1.81, 1.95.

97. In § 578.6, revise paragraphs (a)(1), (a)(2)(i)(B), (a)(3) and (4), (b) through (g), (h)(1), and (i) to read as follows:

### **§ 578.6 Civil penalties for violations of specified provisions of Title 49 of the United States Code.**

(a) \* \* \*

(1) *In general.* A person who violates any of sections 30112, 30115, 30117 through 30122, 30123(a), 30125(c), 30127, or 30141 through 30147 of Title 49 of the United States Code or a regulation in this chapter prescribed under any of those sections is liable to the United States Government for a civil penalty of not more than \$22,992 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle

equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum civil penalty under this paragraph (a)(1) for a related series of violations is \$114,954,525.

(2) \* \* \*

(i) \* \* \*

(B) Violates section 30112(a)(2) of Title 49 United States Code, shall be subject to a civil penalty of not more than \$13,072 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by this section. The maximum penalty under this paragraph (a)(2)(i)(B) for a related series of violations is \$19,607,465.

(3) *Section 30166.* A person who violates Section 30166 of Title 49 of the United States Code or a regulation in this chapter prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph (a)(3) is \$22,992 per violation per day. The maximum penalty under this paragraph (a)(3) for a related series of daily violations is \$114,954,525.

(4) *False and misleading reports.* A person who knowingly and willfully submits materially false or misleading information to the Secretary, after certifying the same information as accurate under the certification process established pursuant to Section 30166(o) of Title 49 of the United States Code, shall be subject to a civil penalty of not more than \$5,628 per day. The maximum penalty under this paragraph (a)(4) for a related series of daily violations is \$1,125,668.

(b) *National Automobile Title Information System.* An individual or entity violating 49 U.S.C. Chapter 305 is liable to the United States Government for a civil penalty of not more than \$1,814 for each violation.

(c) *Bumper standards.* (1) A person that violates 49 U.S.C. 32506(a) is liable to the United States Government for a civil penalty of not more than \$3,011 for each violation. A separate violation occurs for each passenger motor vehicle or item of passenger motor vehicle equipment involved in a violation of 49 U.S.C. 32506(a)(1) or (4)—

(i) That does not comply with a standard prescribed under 49 U.S.C. 32502; or  
(ii) For which a certificate is not provided, or for which a false or misleading certificate is provided, under 49 U.S.C. 32504.

(2) The maximum civil penalty under this paragraph (c) for a related series of violations is \$3,352,932.

(d) *Consumer information—(1) Crash-worthiness and damage susceptibility.* A person who violates 49 U.S.C. 32308(a), regarding crashworthiness and damage susceptibility, is liable to the United States Government for a civil penalty of not more than \$3,011 for each violation. Each failure to provide information or comply with a regulation in violation of 49 U.S.C. 32308(a) is a separate violation. The maximum penalty under this paragraph (d)(1) for a related series of violations is \$1,642,208.

(2) *Consumer tire information.* Any person who fails to comply with the national tire fuel efficiency program under 49 U.S.C. 32304A is liable to the United States Government for a civil penalty of not more than \$62,314 for each violation.

(e) *Country of origin content labeling.* A manufacturer of a passenger motor vehicle distributed in commerce for sale in the United States that willfully fails to attach the label required under 49 U.S.C. 32304 to a new passenger motor vehicle that the manufacturer manufactures or imports, or a dealer that fails to maintain that label as required under 49 U.S.C. 32304, is liable to the United States Government for a civil penalty of not more than \$1,835 for each violation. Each failure to attach or maintain that label for each vehicle is a separate violation.

(f) *Odometer tampering and disclosure.* (1) A person that violates 49 U.S.C. Chapter 327 or a regulation in this chapter prescribed or order issued thereunder is liable to the United States Government for a civil penalty of not more than \$11,256 for each violation. A separate violation occurs for each motor vehicle or device involved in the violation. The maximum civil penalty under this paragraph (f)(1) for a related series of violations is \$1,125,668.

(2) A person that violates 49 U.S.C. Chapter 327 or a regulation in this chapter prescribed or order issued thereunder, with intent to defraud, is liable for three times the actual damages or \$11,256, whichever is greater.

(g) *Vehicle theft protection.* (1) A person that violates 49 U.S.C. 33114(a)(1)-(4) is liable to the United States Government for a civil penalty of not more than \$2,473 for each violation. The failure of more than one part of a single motor vehicle to conform to an applicable standard under 49 U.S.C. 33102 or 33103 is only a single violation. The maximum penalty under this paragraph (g)(1) for a related series of violations is \$618,201.

(2) A person that violates 49 U.S.C. 33114(a)(5) is liable to the United States Government for a civil penalty of not more than \$183,629 a day for each violation.

(h) \* \* \*

(1) A person that violates 49 U.S.C. 32911(a) is liable to the United States Government for a civil penalty of not more than \$43,280 for each violation. A separate violation occurs for each day the violation continues.

\* \* \* \* \*

(i) *Medium- and heavy-duty vehicle fuel efficiency.* The maximum civil penalty for a violation of the fuel consumption standards of 49 CFR part 535 is not more than \$42,621 per vehicle or engine. The maximum civil penalty for a related series of violations shall



be determined by multiplying \$42,621 times the vehicle or engine production volume for the model year in question within the regulatory averaging set.

Signed in Washington, DC, on April 16, 2021:

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**Peter Paul Montgomery Buttigieg,**

Secretary of Transportation.

[FR Doc. 2021-08224 Filed: 4/30/2021 8:45 am; Publication Date: 5/3/2021]